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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,060	10/28/2003	Seungkoo Kang	5003073-033US1	5976
29737	7590	09/02/2005	EXAMINER	
SMITH MOORE LLP P.O. BOX 21927 GREENSBORO, NC 27420			ASINOVSKY, OLGA	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/695,060		KANG ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Olga Asinovsky		1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/22/04&amp;04/06/05</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The Preliminary amendment of January 31, 2005 is noted.

Figures 1 and 2 entered into the present application.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7, 9, 10, 12, 20-21, 28, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Pesce et al U.S. Patent 6,844,430.

Pesce discloses a breathable absorbent article comprising absorbent gelling material having functional groups such as carboxyl group, column 12, lines 40-41, 49 and 62; and cationic polysaccharides including aminopolysaccharides, claim 1 at column 22.

The absorbent gelling material such as polyacrylic acid, column 13, line 4, is readable in the present claims. This absorbent material can be slightly cross-linked, partially neutralized, column 13, lines 7-13 and 25-49. Slightly cross-linked polyacrylic acid is readable in the present claims for being (a) polyacrylic acid. The cross-linking agent for the absorbent gelling material is present in the amount of 0.001 to 5 mole%, column 13,

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lines 45-46. The aminopolysaccharide is chitosan material that can be water-soluble and water insoluble chitosan, column 5, lines 8-14 and column 6, lines 50-51. The solubility of chitosan is depending on the degree of cross-linking, column 6, lines 64-67. The water-insoluble aminopolysaccharide is readable for being (b) water-insoluble aminopolysaccharide polymer having a molecular weight from 1,000 to 10000000, column 7, lines 8-15. Also aminopolysaccharide materials can be cross-linked and modified chitosans, column 7, lines 8-10 and column 9, lines 4-38. The cationic polysaccharides and pH buffering means and absorbent gelling material can be formed in powdered form or granules, column 17, lines 22-25. The amount of absorbent gelling material particles can be present in range from 5 g/m<sup>2</sup> to 250 g/m<sup>2</sup>, claim 1 at column 22. The modified cellulose fibers and synthetic fibers can be employed, column 18, lines 23-30, for the present claim 29.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-6, 8, 11, 13-19, 22-27 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pesce et al U.S. Patent 6,844,430 as applied to claims 1, 7, 9-10, 12, 20-21 and 28-29 above.

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Pesce does not disclose the specified characteristics for the absorbent material in the present claims 2-6, 8, 11, 13-19, 22-27 and 30-31 such as gel bed permeability, liquid capacity, absorbency under load (AUL).

It would have been obvious to one of ordinary skill in the art to consider that specified characteristics such as gel bed permeability, liquid capacity, absorbency under load (AUL) in the present claims could be obtained in Pesce invention since these characteristics are depending on the cross-linking degree, neutralizing value and the presence of other absorbent natural fibers or modified synthetic fibers, and all of these statements are readable in Pesce invention.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References have been considered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Olga Asinovsky  
Examiner  
Art Unit 1711

O.A

August 29, 2005



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700